

EXHIBIT 11

HIGHLY CONFIDENTIAL - ATTORNEYS EYES ONLY

Page 1

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION
3

4 -----
5 IN RE: HIGH-TECH EMPLOYEE)
6 ANTITRUST LITIGATION) No. 11-CV-2509-LHK
7 -----

8
9
10
11 -HIGHLY CONFIDENTIAL ATTORNEYS' EYES ONLY-
12

13 VIDEOTAPED DEPOSITION OF BRANDON MARSHALL
14 San Francisco, California
15 Monday, October 22, 2012
16 Volume I
17

18
19 Reported by:
20 ASHLEY SOEVYN
21 CSR No. 12019
22 Job No. 1541283
23

24
25 PAGES 1 - 341

HIGHLY CONFIDENTIAL - ATTORNEYS EYES ONLY

Page 21

1 but just to -- just -- I will try to help 09:13:26

2 Mr. Marshall out here a little bit. You can tell 09:13:27

3 her that you looked at documents to prepare, but 09:13:29

4 just -- I instruct you not to disclose to her the 09:13:33

5 identity of any documents that I selected to show 09:13:36

6 you, if that makes sense. Tell her whether or not 09:13:39

7 your looked at things. 09:13:42

8 THE WITNESS: Yeah, I did look at things. 09:13:43

9 BY MS. KAHN: 09:13:46

10 Q. And how many documents would you say that 09:13:46

11 you looked at? 09:13:47

12 MR. GLACKIN: You can answer that. 09:13:49

13 THE WITNESS: There were a large volume of 09:13:50

14 documents, and I looked at many, many pages. I 09:13:51

15 would estimate there were at least 1,000 pages. I 09:13:57

16 did not read every page in its entirety, but I did 09:14:02

17 flip through them and I read a substantial number of 09:14:05

18 them. 09:14:11

19 BY MS. KAHN: 09:14:13

20 Q. Approximately 1,000 pages? 09:14:13

21 A. I have no idea how to estimate that. 09:14:15

22 Q. And did any of those documents that you 09:14:17

23 reviewed trigger your memory about a past event? 09:14:19

24 MR. GLACKIN: All right. You can answer 09:14:26

25 that "yes" or "no." 09:14:30

HIGHLY CONFIDENTIAL - ATTORNEYS EYES ONLY

Page 22

1 THE WITNESS: Trigger my memory of past 09:14:34
2 events? Yes, I believe they refreshed my memory 09:14:36
3 about things that had happened in the past a little 09:14:40
4 bit. 09:14:43

5 BY MS. KAHN: 09:14:46

6 Q. So which documents specifically refreshed 09:14:46
7 your memory? 09:14:48

8 MR. GLACKIN: I will instruct him not to 09:14:50
9 answer that question. At the end of the deposition, 09:14:51
10 you are entitled to ask him if any of the documents 09:14:53
11 you reviewed helped him remember something he 09:14:57
12 testified about, but I don't think it's proper right 09:14:59
13 now to ask him to identify anything, just based on 09:15:01
14 what's happened so far. I'm going to instruct him 09:15:02
15 not to answer that, but you can answer the other 09:15:02
16 question at the end. 09:15:05

17 BY MS. KAHN: 09:15:06

18 Q. Are you going to follow counsel's advice? 09:15:06

19 A. Yes. 09:15:10

20 Q. Did you take any notes to prepare for 09:15:16
21 today? 09:15:21

22 A. No. 09:15:21

23 Q. How did you become involved with this 09:15:23
24 lawsuit? 09:15:26

25 A. So at some point, I heard about the 09:15:26

HIGHLY CONFIDENTIAL - ATTORNEYS EYES ONLY

Page 23

1 Department of Justice investigation into the alleged 09:15:28
2 conspiracies among the various defendants. And at 09:15:33
3 some point, I also heard of the class action lawsuit 09:15:39
4 that was already in progress with Lieff, Cabraser. 09:15:42
5 And I did not know who Lieff, Cabraser was at that 09:15:48
6 time. But I heard there was a lawsuit, and I 09:15:51
7 realized I was a member of the affected class, so I 09:15:53
8 contacted Lieff, Cabraser and asked if I could be 09:15:56
9 added to the class thinking that I would be just 09:15:59
10 added as an unnamed plaintiff. I did not realize I 09:16:05
11 would end up in this position. 09:16:09

12 Q. You said you heard about the DOJ 09:16:11
13 investigation. How did you hear about it? 09:16:13

14 A. Through the media. I don't recall 09:16:15
15 exactly. 09:16:17

16 Q. What did you hear about it? 09:16:18

17 A. I heard that there was an attempt to 09:16:19
18 suppress wages. 09:16:24

19 Q. Anything else? 09:16:30

20 A. Agreements among the various defendants 09:16:30
21 which would have affected suppressing wages. 09:16:36

22 Q. Anything else? 09:16:39

23 A. Agreements not to -- well, the agreements 09:16:40
24 in a little more detail as I understand them, they 09:16:41
25 would agree not to cold call each other and not to 09:16:45

HIGHLY CONFIDENTIAL - ATTORNEYS EYES ONLY

Page 24

1 talk to each other's employees for purposes of 09:16:49
2 hiring them out from one company if they were 09:16:54
3 already engaged in employment with one of those 09:16:57
4 companies. 09:16:59

5 Q. Anything else? 09:17:00

6 (Ms. Henn, Esq. and Mr. Tubach, Esq. enters 09:17:04
7 conference room.) 09:17:04

8 A. Probably that I don't recall 09:17:06
9 specifically. 09:17:08

10 Q. And that was all from the media? 09:17:08

11 A. I believe so, yes. 09:17:10

12 Q. And how did you hear about this lawsuit? 09:17:11

13 A. I heard about this lawsuit also from the 09:17:13
14 media after hearing about the Department of Justice 09:17:18
15 investigation. 09:17:20

16 Q. What did you hear about it at that time? 09:17:22

17 A. I heard that there was a lawsuit, and I 09:17:23
18 don't recall exactly what the verbiage was, but I 09:17:32
19 knew that the lawsuit corresponded to the Department 09:17:35
20 of Justice's investigation. 09:17:40

21 Q. And then you contacted counsel? 09:17:41

22 A. Yes. 09:17:42

23 Q. So why did you do that? 09:17:43

24 A. Because I was a member of the affected 09:17:44
25 class and I felt that if my wages were unfairly 09:17:46

HIGHLY CONFIDENTIAL - ATTORNEYS EYES ONLY

Page 25

1 suppressed, then I should be entitled to the 09:17:52
2 difference between what I was paid and what I should 09:17:55
3 have been paid. 09:17:57

4 Q. When did you contact counsel? 09:17:59

5 A. I don't recall the exact time, but counsel 09:18:03
6 probably has that information. 09:18:08

7 Q. Do you have an estimate in your mind, as 09:18:11
8 you sit here today? 09:18:13

9 A. It seems like it would have been sometime 09:18:14
10 early 2011 or something like that, but I'm not 09:18:19
11 sure. 09:18:23

12 Q. If you prevail, what do you expect to 09:18:24
13 recover? 09:18:27

14 A. I don't expect to recover anything 09:18:28
15 necessarily, but I expect that the members of the 09:18:34
16 class would receive justice. And I hope to recover 09:18:36
17 what I said in my previous answer, which is a 09:18:40
18 difference between the wages that I was paid and 09:18:43
19 what I believe I should have been paid. My wages 09:18:46
20 were not artificially suppressed by anti-media 09:18:49
21 means. 09:18:57

22 Q. You provided written interrogatory 09:18:58
23 responses, correct? 09:19:00

24 A. Yes. 09:19:01

25 Q. And your responses were under oath? 09:19:01

